

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION**

BRENNAN M. GILMORE,

Plaintiff,

V.

ALEXANDER E. (ALEX) JONES, *et al.*,

Defendants.

No. 3:18-cv-00017-NKM-JCH

### **JOINT PROPOSED SCHEDULING ORDER**

WHEREAS, the Court issued a proposed pretrial order on May 16, 2018 (D.I. 54);

WHEREAS, the Court issued, on May 29, 2018, an Order granting the parties' consent Motion to Stay Discovery and Defer Entry of a Scheduling Order Pending Resolution of Defendants' Motions to Dismiss (D.I. 61);

WHEREAS, in response to the Court's instruction on February 10, 2020, the parties met and conferred, and agreed on a proposed schedule to control the remainder of this action that was submitted to the Court on February 18, 2020 (D.I. 188);

WHEREAS, the parties agreed to an amended proposed schedule to control the remainder of this action that was submitted to the Court on April 2, 2020 (D.I. 192);

WHEREAS, the proposed Scheduling Order that was submitted on April 2, 2020 has not yet been entered by the Court; although, the Court has scheduled an eight-day jury trial to occur on June 14-18 and June 21-23, 2021 (D.I. 193);

WHEREAS, Plaintiff's counsel has extended Defendants' response deadline to outstanding written discovery requests by three weeks, and the spread of COVID-19 in the United States and

unanticipated life events impacting Mr. Lee Stranahan and Mr. Aaron J. Walker have affected the parties' ability to conduct discovery and prepare parties' and third-party witness depositions; and

WHEREAS, all parties agreed that further extension of the schedule was warranted during the July 17, 2020 discovery conference with Magistrate Judge Joel C. Hoppe;

NOW, the parties come jointly before this Court to express their agreement that additional time will be necessary to complete the activities contemplated by their prior proposed Scheduling Order due to the current public-health crisis. Accordingly, the parties hereby submit the following amended proposed schedule for deadlines that shall control the remainder of this action, and respectfully ask that the Court enter this amended proposed Stipulated Scheduling Order and set a new trial date:

<b>Event</b>	<b>Agreed Dates</b>
Deadline to complete fact discovery	March 1, 2021
Potential settlement / ADR discussion	March 8, 2021
Fed. R. Civ. P. 26(a)(2)(B) opening expert reports	March 16, 2021
Fed. R. Civ. P. 26(a)(2)(B) responsive expert reports	April 16, 2021
Fed. R. Civ. P. 26(a)(2)(B) reply expert reports (limited to subject matter first raised in responsive reports)	May 13, 2021
Deadline to complete all discovery, including expert depositions.	May 25, 2021
Deadline to file dispositive motions	June 1, 2021
Deadline to file oppositions to dispositive motions	July 2, 2021

Event	Agreed Dates
Deadline to file replies to dispositive motions	July 25, 2021
Deadline for hearing dispositive motions	TBD by the Court
Exchange list of witnesses expected to be called at trial	September 9, 2021
Deadline for filing motions <i>in limine</i> (copies to opposing counsel)	September 16, 2021
Deadline for filing oppositions to motions <i>in limine</i> (copies to opposing counsel)	September 23, 2021
Deadline for filing proposed jury instructions and special interrogatories (copies to opposing counsel)	September 23, 2021

Event	Agreed Dates
<p>Deadline for filing joint pretrial order including:</p> <ul style="list-style-type: none"> <li>• any contested issues of law that require a ruling before trial;</li> <li>• the essential elements that a party must prove to establish any meritorious claims remaining for adjudication, and the damages or other relief sought;</li> <li>• the essential elements that a party must prove to establish any meritorious defenses;</li> <li>• the material facts and theories of liability or defense;</li> <li>• the issues of fact contested by each party;</li> <li>• any contested issues of law that do not require a ruling before trial;</li> <li>• any stipulations; and</li> <li>• any special voir dire questions</li> </ul> <p>**Disputed sections to be filed as separate addendum**</p>	<p>September 23, 2021</p>
<p>Pretrial conference</p>	<p>TBD by the Court. The parties to be trial-ready by October 4, 2021</p>
<p>Trial</p>	<p>TBD by the Court</p>

SO ORDERED: \_\_\_\_\_

By: \_\_\_\_\_

Dated: July 31, 2020

Respectfully Submitted,

By: /s/ Anwar L. Graves  
Jonathan Hacker, admitted *pro hac vice*  
Anwar L. Graves, admitted *pro hac vice*  
O'MELVENY & MYERS LLP  
1625 Eye Street, N.W.  
Washington, DC 20006  
Telephone: (202) 383-5300  
Facsimile: (202) 383-5414  
agraves@omm.com  
jhacker@omm.com

Hassen A. Sayeed, admitted *pro hac vice*  
O'MELVENY & MYERS LLP  
Times Square Tower  
7 Times Square  
New York, New York 10036  
Telephone: (212) 326-2000  
Facsimile: (212) 326-2061  
hsayeed@omm.com

Andrew Mendrala, Virginia Bar No. 82424  
COHEN MILSTEIN SELLERS & TOLL  
PLLC  
1100 New York Avenue N.W., Fifth Floor  
Washington, D.C. 20005  
Telephone: (202) 408-4600  
Facsimile: (202) 408-4699  
amendrala@cohenmilstein.com

Aderson Francois, admitted *pro hac vice*  
CIVIL RIGHTS CLINIC  
GEORGETOWN UNIVERSITY LAW  
CENTER  
600 New Jersey Avenue, N.W.  
Washington, D.C. 20001  
Telephone: (202) 662-9065  
Aderson.Francois@georgetown.edu

Elizabeth B. Wydra, admitted *pro hac vice*  
Brienne J. Gorod, admitted *pro hac vice*  
Ashwin P. Phatak, admitted *pro hac vice*  
CONSTITUTIONAL ACCOUNTABILITY  
CENTER  
1200 18th Street, N.W., Suite 501  
Washington, D.C. 20036  
Telephone: (202) 296-6889

elizabeth@theusconstitution.org  
brianne@theusconstitution.org  
ashwin@theusconstitution.org

Attorneys for Plaintiff

/s/ Thomas E. Albro signed with permission by  
Anwar L. Graves

Thomas E. Albro (VSB #12812)  
Evan D. Mayo (VSB #89383)  
TREMBLAY & SMITH, PLLC  
105-109 E. High Street  
Charlottesville, VA 22902  
Telephone: (434) 977-4455  
Facsimile: (434) 979-1221  
tom.albro@tremblaysmith.com  
evan.mayo@tremblaysmith.com

Elizabeth A. Scully (VSB #65920)  
Mark I. Bailen (*admitted pro hac vice*)  
Andrew M. Grossman (*admitted pro hac vice*)  
Richard B. Raile (VSB #84340)  
BAKER HOSTETLER LLP  
Washington Square, Suite 1100  
1050 Connecticut Avenue, N.W.  
Washington, DC 20036-5304  
Telephone: (202) 861-1500  
Facsimile: (202) 861-1783  
escully@bakerlaw.com  
mbailen@bakerlaw.com  
agrossman@bakerlaw.com  
rraile@bakerlaw.com

*Counsel for Defendants Alexander E. Jones,  
Infowars, LLC, Free Speech Systems, LLC and  
Lee Ann McAdoo a/k/a Lee Ann Fleissner*

/s/ Aaron J. Walker signed with permission by  
Anwar L. Graves

Aaron J. Walker, Esq.  
VA Bar #48882  
DC Bar #481668  
P. O. Box 3075  
Manassas, VA 20108  
Telephone: (703) 216-0455  
Aaronjw1972@gmail.com

*Counsel For Defendants James Hoft, Scott  
Creighton, Derrick Wilburn, Michele  
Hickford, And Words-N-Ideas, LLC*

/s/ Lee Stranahan signed with permission by  
Anwar L. Graves

Lee Stranahan  
1440 G Street, N.W.  
Washington, D.C. 20005  
stranahan@gmail.com

*Pro Se*



**CERTIFICATE OF SERVICE**

I hereby certify that on this 31st day of July, 2020, a copy of the Proposed Scheduling Order was served on all parties via the Court's Electronic Case Filing system, and separately sent via electronic mail to Mr. Lee Stranahan.

/s/ Anwar L. Graves

Anwar L. Graves